



EUROPEAN COMMISSION

*Brussels, 12.10.2018
C(2018) 6637 final*

Dear Presidents,

The Commission would like to thank the Cortes Generales for their Opinion on the proposal for a Regulation on European Production and Preservation Orders for electronic evidence in criminal matters {COM(2018) 225 final}.

This proposal contributes to the Commission's efforts to deliver on the commitment made under the Joint Declaration on the European Union legislative priorities for 2018-2019, to better protect European citizens and to equip law enforcement authorities with efficient tools to make it easier and faster to obtain electronic evidence.

The proposed Regulation seeks to provide the judiciary and law enforcement with tools to address the way criminals communicate today and to counter modern forms of criminality. It speeds up the process to secure and obtain electronic evidence that is stored and/or held by service providers established in another jurisdiction. At the same time, it improves legal certainty for authorities, service providers and persons affected and maintains a high standard for law enforcement requests, thus ensuring protection of fundamental rights, transparency and accountability. This instrument will co-exist with the current judicial cooperation instruments, such as the European Investigation Order, that can still be used as appropriate by the competent authorities.

Negotiations of both proposals in the competent Council working group have started in April, while first substantial discussions in the European Parliament have started in September.

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The Commission welcomes the conclusion of the Cortes Generales that the proposal complies with the principle of subsidiarity.

The Opinion of the Cortes Generales has been made available to the Commission's representatives in the ongoing negotiations with the European Parliament and the Council and will inform these discussions.

The Commission looks forward to continuing the political dialogue with the Cortes Generales in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Věra Jourová
Member of the Commission*